

Minutes of Items 12, 18, 19, 20, 21, 22, and 23 of the
Regular Meeting of the City Council
City of Memphis

March 21, 2017

After the meeting was opened for the transaction of business and a quorum was declared present the Council considered the items on the agenda, including Items 12, 18, 19, 20, 21, 22, and 23 to wit:

12. **ORDINANCE** to amend Article VIII, § 2-370 of the Code of Ordinances, relative to Arbitration of Labor Disputes, Impasse Procedures and Preservation of Charter Powers of City Council, up for T H I R D and F I N A L reading. Ordinance No. 5639 is sponsored by Councilman Conrad.
Boyd
Chairman,
Executive
Session

ACTION REQUESTED: Take whatever action Council deems advisable

MOTION: Conrad

SECOND: Hedgepeth

AYES: Boyd, Brown, Colvett, Conrad, Ford, Hedgepeth, Jones, Morgan, Morrison, Robinson, Spinosa, Swearengen

ABSTAIN:

NAYS:

Recuse:

APPROVED

18. **APPOINTMENT**

Spinosa

Chairman,

Personnel

Committee

**MEMPHIS & SHELBY COUNTY COMMUNITY REDEVELOPMENT
AGENCY**

Appointment

Dynisha Woods

MOTION: Spinosa

SECOND: Hedgepeth

AYES: Colvett, Conrad, Ford, Hedgepeth, Jones, Morgan, Morrison, Robinson, Spinosa, Swearengen, Boyd

ABSTAIN:

NAYS:

Recuse:

APPROVED

19. RESOLUTION to allow the City of Memphis through the Division of Police Services to accept grant funds in the amount of \$260.22 from the Department of Justice, Bureau of Justice Assistance. This resolution is sponsored by Police Services.
- Morgan
Chairman,
Public Safety
& Homeland
Security
Committee
Fiscal Consent
- ACTION REQUESTED: Adopt the resolution

MOTION: Morgan
SECOND: Morrison
AYES: Boyd, Colvett, Conrad, Ford, Hedgepeth, Morgan, Morrison, Robinson, Jones, Swearngen, Spinosa
ABSTAIN:
NAYS:
Recuse:
APPROVED

20. RESOLUTION to accept one SkyCop Camera Solution System, compatible with existing MPD equipment, to be installed at 200 Wagner Place at the request of the residents of Waterford Plaza, who gave the necessary funds. The items are being donated by the Memphis/Shelby County Law Enforcement Foundation. The cumulative total donation is \$6,755.00. This resolution is sponsored by Police Services.
- Morgan
Chairman,
Public Safety
& Homeland
Security
Committee
Fiscal Consent
- ACTION REQUESTED: Adopt the resolution

MOTION: Morgan
SECOND: Morrison
AYES: Boyd, Colvett, Conrad, Ford, Hedgepeth, Morgan, Morrison, Robinson, Jones, Swearngen, Spinosa
ABSTAIN:
NAYS:
Recuse:
APPROVED

21. RESOLUTION appropriating FY 2017 funds in the amount of \$1,100,000.00 for elevator renovations. The project number is GS01001. This resolution is sponsored by General Services.
- Hedgepeth
Chairman,
Public Works,
Transportation
& General Services
Committee
- ACTION REQUESTED: Adopt the resolution

MOTION: Hedgepeth
SECOND: Morgan
AYES: Brown, Colvett, Conrad, Ford, Hegepeth, Jones, Morgan, Morrison, Robinson, Spinosa, Swearngen, Boyd

ABSTAIN:
 NAYS:
 Recuse:
APPROVED

22. RESOLUTION approving plans to lease a portion of the Stiles Waste Water Treatment Facility Property. This resolution is sponsored by Councilman Hedgepeth.

Hedgepeth
 Chairman,

Public Works,
 Transportation
 & General Services
 Committee

ACTION REQUESTED: Adopt the resolution

MOTION: Hedgepeth

SECOND: Morgan

AYES: Brown, Colvett, Conrad, Ford, Hedgepeth, Jones, Morgan, Morrison, Robinson, Spinoso, Swearngen, Boyd

ABSTAIN:

NAYS:

Recuse:

APPROVED

23. RESOLUTION to accept a donation of two Dodge Journey SUVs with an estimate value of \$50,000.00 from The Memphis Fire Foundation to be used in the RADAR program to reduce non-emergency calls. This resolution is sponsored by Fire Services.

Morgan

Chairman,

Public Safety
 & Homeland

Security
 Committee

ACTION REQUESTED: Adopt the resolution

MOTION: Morgan

SECOND: Spinoso

AYES: Boyd, Brown, Colvett, Conrad, Ford, Jones, Morrison, Spinoso, Swearngen

ABSTAIN:

NAYS:

Recuse:

APPROVED

Whereupon Ford moved that the minutes for the foregoing item be approved on the date the matter was approved. Morgan seconded the motion. The motion was called for a vote as follows:

AYES: Brown, Colvett, Conrad, Ford, Jones, Morgan, Morrison, Robinson, Spinosa, Swearengen,
Boyd

ABSTAIN:

NAYS:

APPROVED

Chairman: 

Date: 3/21/2017

Attest:


Deputy Comptroller/Council Records

MINUTES
REGULAR MEETING OF THE CITY COUNCIL
CITY OF MEMPHIS

March 21, 2017

3:30 P.M. SCHEDULED SESSION

3:32 P.M. MEETING COMMENCED

ROLL CALL: Joe Brown, Frank Colvett, Jr., Kemp Conrad, Edmund H. Ford, Jr., Reid Hedgepeth, Martavius Jones, Worth Morgan, Bill Morrison, Patrice Robinson, Philip Spinosa, Jr., Jamita Swearengen and Chairman Berlin Boyd. Janis Fullilove was absent.

**THE MEETING WAS CALLED TO ORDER
BY SERGEANT-AT-ARMS**

INVOCATION

The meeting was opened with prayer by Pastor Rev. Stanford L. Hunt from Salem Gilfield Baptist Church. Councilwoman Swearengen presented Pastor Rev. Stanford with a certificate naming him Chaplain of the Day.

These minutes record the agenda items and the action taken by the Council on such items. The full text of the original of the ordinances, resolutions and supporting documents, including an audio recording of Council's deliberations are filed and maintained in the office of Council Records/Records Management, Room 2B-08. The original ordinances and/or resolutions adopted by the Council shall control in the event of any conflict between the description in these minutes and the original documents, ordinances and/or resolutions.

Approval of the Minutes of the regular meeting of March 7, 2017 with the following motion:

MOTION: Ford
SECOND: Morrison
AYES: Brown, Colvett, Ford, Hedgepeth, Jones, Morrison, Robinson, Spinosa, Swearengen and Chairman Boyd
Conrad and Morgan did not cast a vote
Fullilove was absent

APPROVED, as amended (Item #6- Bearwater Park S/D, Ph. 2, was pulled from the Minutes)

(Chairman Boyd recognized the Urban Fellows Interns, who were visiting in the audience)

1. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED AT 2018 COURT AVENUE, NORTHEAST CORNER OF COURT AVENUE AND MORRISON STREET, CONTAINING 2.96 ACRES IN THE COMMERCIAL MIXED USE-3 (CMU-3) DISTRICT. THIS RESOLUTION IS SPONSORED BY THE OFFICE OF PLANNING AND DEVELOPMENT. (ON 12/6/16, THE PUBLIC HEARING DATE FOR THIS CASE WAS SET FOR 1/17/17). (HELD FROM 1/17/17).**

Case No. P.D. 16-16

Applicant: Turner Dairy Holdings, LLC. (Jim Turner)
Nathan Bick, Burch, Porter & Johnson – Representative

Request: Warehouse, limited service to Tractor-trailer trucks, parking for Tractor-trailer trucks associated with the Prairie Farms Dairy operation

LUCB recommendation: Rejection

OPD recommendation: Approval, with Conditions

DROPPED

12. **ORDINANCE TO AMEND ARTICLE VIII, § 2-370 OF THE CODE OF ORDINANCES, RELATIVE TO ARBITRATION OF LABOR DISPUTES, IMPASSE PROCEDURES AND PRESERVATION OF CHARTER POWERS OF CITY COUNCIL, UP FOR T H I R D AND F I N A L READING. ORDINANCE NO. 5639 IS SPONSORED BY COUNCILMAN CONRAD.**

Chairman Boyd recognized the following person who spoke from the audience

Alan Lee, 485 Beale Street, Memphis, Tennessee, 38103

MOTION: Conrad

SECOND: Hedgepeth

AYES: Brown, Colvett, Conrad, Ford, Hedgepeth, Jones, Morgan, Morrison, Robinson, Spinosa, Swearengen and Chairman Boyd
Fullilove was absent

APPROVED, as amended

CONSENT AGENDA – Items #2, #3, & #4 may be acted upon by one motion: See Page 4063 for Roll Call Consent Item.

2. **ORDINANCE TO AMEND CHAPTER 25 OF THE CITY OF MEMPHIS CODE OF ORDINANCES GOVERNING THE CITY PENSION SYSTEM, UP FOR S E C O N D READING. ORDINANCE NO. 5641 IS SPONSORED BY THE HUMAN RESOURCE DIVISION.**

APPROVED, on Second reading

3. **ORDINANCE TO AMEND ARTICLE IV, DIVISION 2, CHAPTER 21, SECTION 179 (C) PARKING METERS, OF THE CODE OF ORDINANCE OF THE CITY OF MEMPHIS, UP FOR S E C O N D READING. ORDINANCE NO. 5640 IS SPONSORED BY CHAIRMAN BOYD.**

APPROVED on Second reading

4. **RESOLUTION APPROVING FINAL PLAT OF TOURNAMENT TRAILS PD, PH. 2.**

Case No. PD-94-356
Contract No. CR-5255

Resolution approves the final plat located on the northwest corner of Winchester Road and Tournament Drive. Cost of the required improvements to be borne by the Owner and Developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

City Engineer recommends approval

APPROVED

ROLL CALL CONSENT ITEM:

MOTION: Morrison
SECOND: Spinosa
AYES: Colvett, Conrad, Ford, Hedgepeth, Jones, Morgan, Morrison, Robinson, Spinosa, Swearengen and Chairman Boyd
Brown did not cast a vote
Fullilove was absent

APPROVED

MLGW FISCAL CONSENT AGENDA – Item # 5, #6, #7 #8 & #9 may be acted upon by one motion:

5. **RESOLUTION APPROVING PAYMENT OF AN INVOICE FROM TENNESSEE VALLEY PUBLIC POWER ASSOCIATION FOR THE 2017 MEMBERSHIP DUES IN THE AMOUNT OF \$51,632.36.**

APPROVED

6. RESOLUTION AWARDDING CONTRACT NO. 11896, INTERNET SERVICE PROVIDER, TO WINDSTREAM, IN THE FUNDED AMOUNT NOT-TO-EXCEED \$82,800.00.

APPROVED

7. RESOLUTION APPROVING CHANGE NO. 1 TO CONTRACT NO. 11740, CLAIMS CASE MANAGEMENT, TO AMERICAN TECHNICAL SERVICES, IN THE FUNDED AMOUNT OF \$25,000.00. (THE INITIAL TERM OF THE CONTRACT WAS FOR A PERIOD OF ONE YEAR FROM THE DATE OF THE NOTICE TO PROCEED WITH AN OPTION OF FOUR ANNUAL RENEWAL TERMS. THE CONTRACT ALSO PROVIDES FOR ANNUAL SOFTWARE MAINTENANCE, LICENSE, AND SUPPORT SERVICES. THIS CHANGE IS TO RENEW ANNUAL SOFTWARE MAINTENANCE AND SUPPORT SERVICES FOR THE FIRST OF FOUR ANNUAL RENEWAL TERMS COVERING THE PERIOD APRIL 1, 2017 THROUGH MARCH 31, 2018.)

APPROVED

8. RESOLUTION APPROVING CHANGE NO. 8 TO CONTRACT NO. 10346, DATABASE NAVIGATION EDITOR SOFTWARE PRODUCT, WITH ALLEN SYSTEMS GROUP, INCORPORATED (ASG), FORMERLY NORTEL NETWORKS, INCORPORATED, IN THE FUNDED AMOUNT OF \$9,197.69. (THIS CHANGE IS TO RENEW THE CURRENT CONTRACT FOR ANNUAL SOFTWARE MAINTENANCE, LICENSE, AND SUPPORT SERVICES COVERING THE PERIOD JULY 1, 2017 THROUGH JUNE 30, 2018. MLGW IS REQUESTING CONTINUOUS MAINTENANCE OF THE ACQUIRED SYSTEM, WHICH CAN ONLY BE PERFORMED BY ALLEN SYSTEMS GROUP, INCORPORATED.)

APPROVED

9. RESOLUTION APPROVING CHANGE NO. 5 TO CONTRACT NO. 9943, GRAPHICS REPORTING SOFTWARE PACKAGE, WITH ALLEN SYSTEMS GROUP, INCORPORATED (ASG) TO RENEW THE CURRENT CONTRACT IN THE FUNDED AMOUNT OF \$36,790.89. (THIS CHANGE IS TO RENEW ANNUAL SOFTWARE MAINTENANCE, LICENSE, AND SUPPORT SERVICES COVERING THE PERIOD OCTOBER 31, 2017 THROUGH OCTOBER 30, 2018 WITH NO INCREASE FROM THE PREVIOUS YEAR. MLGW IS REQUESTING CONTINUOUS MAINTENANCE OF THE ACQUIRED SYSTEM, WHICH CAN ONLY BE PERFORMED BY ASG, INCORPORATED.)

APPROVED

MLGW ROLL CALL CONSENT ITEMS

MOTION: Robinson
SECOND: Morrison

AYES: Colvett, Conrad, Ford, Hedgepeth, Jones, Morgan, Morrison, Robinson, Spinosa,
Swearengen and Chairman Boyd
Brown did not cast a vote
Fullilove was absent

APPROVED

10. **APPOINTMENTS**

ALCOHOL COMMISSION

REAPPOINTMENT

SHERMAN GREER

MEMPHIS & SHELBY DOWNTOWN MEMPHIS COMMISSION

REAPPOINTMENT

DENI C. REILLY

MOTION: Spinosa
SECOND: Morgan
AYES: Colvett, Conrad, Ford, Hedgepeth, Jones, Morgan, Morrison, Robinson, Spinosa,
Swearengen and Chairman Boyd
Brown did not cast a vote
Fullilove was absent

APPROVED

11. **ORDINANCE TO AMEND CHAPTER 28, ARTICLE VI, OF THE CODE OF ORDINANCES OF THE CITY OF MEMPHIS, TO ESTABLISH REGULATIONS FOR FALSE ALARMS, UP FOR T H I R D AND F I N A L READING. ORDINANCE NO. 5638 IS SPONSORED BY COUNCILMAN SPINOSA.**

MOTION: Morgan
SECOND: Hedgepeth
AYES: Colvett, Conrad, Ford, Hedgepeth, Jones, Morgan, Morrison, Robinson, Spinosa,
Swearengen and Chairman Boyd
Brown did not cast a vote
Fullilove was absent

APPROVED, as amended

FISCAL CONSENT AGENDA – Items #19 & #20 may be acted upon by one motion:

19. **RESOLUTION TO ALLOW THE CITY OF MEMPHIS THROUGH THE DIVISION OF POLICE SERVICES TO ACCEPT GRANT FUNDS IN THE AMOUNT OF \$260.22 FROM THE DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE. THIS RESOLUTION IS SPONSORED BY POLICE SERVICES.**
20. **RESOLUTION TO ACCEPT ONE SKYCOP CAMERA SOLUTION SYSTEM, COMPATIBLE WITH EXISTING MPD EQUIPMENT, TO BE INSTALLED AT 200 WAGNER PLACE AT THE REQUEST OF THE RESIDENTS OF WATERFORD PLAZA, WHO GAVE THE NECESSARY FUNDS. THE ITEMS ARE BEING DONATED BY THE MEMPHIS/SHELBY COUNTY LAW ENFORCEMENT FOUNDATION. THE CUMULATIVE TOTAL DONATION IS \$6,755.00. THIS RESOLUTION IS SPONSORED BY POLICE SERVICES.**

ROLL CALL FISCAL CONSENT ITEMS

MOTION: Morgan
 SECOND: Morrison
 AYES: Colvett, Conrad, Ford, Hedgepeth, Jones, Morgan, Morrison, Robinson, Spinosa, and Swearengen
 Brown and Chairman Boyd did not cast a vote
 Fullilove was absent

APPROVED

13. **RESOLUTION TO ACCEPT GRANT FUNDS IN THE AMOUNT OF \$37,500.00 FROM THE STATE OF TENNESSEE DEPARTMENT OF HUMAN SERVICES TO WORKFORCE INVESTMENT NETWORK FOR THE CHILD SUPPORT NONCUSTODIAL PARENT EMPLOYMENT DEMONSTRATION PROGRAM (CSPED). THIS RESOLUTION IS SPONSORED BY WORKFORCE INVESTMENT NETWORK.**

MOTION: Jones
 SECOND: Spinosa
 AYES: Colvett, Conrad, Ford, Hedgepeth, Jones, Morgan, Morrison, Robinson, Spinosa, Swearengen and Chairman Boyd
 Brown did not cast a vote
 Fullilove was absent

APPROVED

14. **RESOLUTION TO ACCEPT AND APPROPRIATE SUPPLEMENTAL GRANT FUNDS IN THE AMOUNT OF \$49,151.00 FROM FEMA FOR TENNESSEE TASK FORCE ONE FOR THE DEVELOPMENT AND MAINTENANCE OF NATIONAL URBAN SEARCH**

AND RESCUE RESPONSE SYSTEM. THIS RESOLUTION IS SPONSORED BY FIRE SERVICES.

MOTION: Morgan
SECOND: Morrison
AYES: Colvett, Conrad, Ford, Hedgepeth, Morgan, Morrison, Robinson, Spinosa,
Swearengen and Chairman Boyd
Brown and Jones did not cast a vote
Fullilove was absent

APPROVED

15. **RESOLUTION APPROPRIATING FY 2017 FUNDS IN THE AMOUNT OF \$4,650,000.00 TO PROJECT NUMBER GS01007, FOR VARIOUS REPAIRS, MODIFICATIONS AND IMPROVEMENTS TO CITY PROPERTIES INCLUDING ROOFING, PLUMBING, PAINTING, CARPENTRY AND HVAC. THIS RESOLUTION IS SPONSORED BY GENERAL SERVICES.**

MOTION: Hedgepeth
SECOND: Ford
AYES: Colvett, Conrad, Ford, Hedgepeth, Morgan, Morrison, Robinson, Spinosa,
Swearengen and Chairman Boyd
Brown and Jones did not cast a vote
Fullilove was absent

APPROVED

16. **RESOLUTION APPROVING THE SALE OF PROPERTY IN THE AMOUNT OF \$300 OF 0 OKLAHOMA, PARCEL ID 024010 00005 AND 0 PIONEER, PARCEL ID #S 024010 00009 & 024010 00010 MEMPHIS, TENNESSEE 38106. THIS RESOLUTION IS SPONSORED BY GENERAL SERVICES.**

MOTION: Hedgepeth
SECOND: Ford
AYES: Brown, Colvett, Conrad, Ford, Hedgepeth, Morgan, Morrison, Robinson, Spinosa,
Swearengen and Chairman Boyd
Jones did not cast a vote
Fullilove was absent

APPROVED

17. **RESOLUTION AMENDING THE FY 2017 CIP BUDGET BY ACCEPTING \$51,450.00 IN ADDITIONAL RAILROAD SAFETY IMPROVEMENT FUNDS FROM THE TENNESSEE DEPARTMENT OF TRANSPORTATION (TDOT) FOR RAILROAD SAFETY IMPROVEMENT AT VARIOUS LOCATIONS; PROJECT NUMBER EN01070. THIS RESOLUTION IS SPONSORED BY ENGINEERING.**

MOTION: Hedgepeth
SECOND: Morgan
AYES: Brown, Colvett, Conrad, Hedgepeth, Morgan, Morrison, Robinson, Spinosa,
Swearengen and Chairman Boyd
Ford and Jones did not cast a vote
Fullilove was absent

APPROVED

18. **APPOINTMENT**

MEMPHIS & SHELBY COUNTY COMMUNITY REDEVELOPMENT AGENCY

APPOINTMENT

DYNISHA WOODS

MOTION: Spinosa
SECOND: Hedgepeth
AYES: Colvett, Conrad, Ford, Hedgepeth, Jones, Morgan, Morrison, Robinson, Spinosa,
Swearengen and Chairman Boyd
Brown did not cast a vote
Fullilove was absent

APPROVED

21. **RESOLUTION APPROPRIATING FY 2017 FUNDS IN THE AMOUNT OF \$1,100,000.00 FOR ELEVATOR RENOVATIONS. THE PROJECT NUMBER IS GS01001. THIS RESOLUTION IS SPONSORED BY GENERAL SERVICES.**

MOTION: Hedgepeth
SECOND: Morgan
AYES: Brown, Colvett, Conrad, Ford, Hedgepeth, Jones, Morgan, Morrison, Robinson,
Spinosa, Swearengen and Chairman Boyd
Fullilove was absent

APPROVED

22. **RESOLUTION APPROVING PLANS TO LEASE A PORTION OF THE STILES WASTE WATER TREATMENT FACILITY PROPERTY. THIS RESOLUTION IS SPONSORED BY COUNCILMAN HEDGEPEETH.**

MOTION: Hedgepeth
SECOND: Morgan
AYES: Brown, Colvett, Conrad, Ford, Hedgepeth, Jones, Morgan, Morrison, Robinson,
Spinosa, Swearengen and Chairman Boyd

Fullilove was absent

APPROVED

23. **RESOLUTION TO ACCEPT A DONATION OF TWO DODGE JOURNEY SUVS WITH AN ESTIMATE VALUE OF \$50,000.00 FROM THE MEMPHIS FIRE FOUNDATION TO BE USED IN THE RADAR PROGRAM TO REDUCE NON-EMERGENCY CALLS. THIS RESOLUTION IS SPONSORED BY FIRE SERVICES.**

MOTION: Morgan
SECOND: Spinosa
AYES: Brown, Colvett, Conrad, Ford, Jones, Morrison, Robinson, Spinosa, Swearengen and Chairman Boyd
Hedgepeth and Morgan did not cast a vote
Fullilove was absent

APPROVED

24. **RESOLUTION ENCOURAGING CITIZENS TO CAREFULLY CHOOSE TAX PREPARERS, SO THAT THEY WILL NOT BECOME VICTIMS OF DISHONEST TAX PREPARERS AND PREPARATION SERVICES. THIS RESOLUTION IS SPONSORED BY CHAIRMAN BOYD.**

MOTION: Jones
SECOND: Spinosa
AYES: Colvett, Conrad, Ford, Jones, Morgan, Morrison, Robinson, Spinosa, Swearengen and Chairman Boyd
Brown and Hedgepeth did not cast a vote
Fullilove was absent

APPROVED

(Special Item #1- Councilman Ford made a motion to approve Same Night Minutes for Items #12, #18, #19, #20, #21, #22 & #23 from tonight's meeting).

MOTION: Ford
SECOND: Morgan
AYES: Brown, Colvett, Conrad, Ford, Jones, Morgan, Morrison, Robinson, Spinosa, Swearengen and Chairman Boyd
Hedgepeth did not cast a vote
Fullilove was absent

APPROVED

(Councilman Ford recognized F.F.U.N. Group, who were visiting in the audience)

INTRODUCTION OF ITEMS ON MATTERS BY THE GENERAL PUBLIC:

Chairman Boyd recognized the following people who spoke from the audience:

Lucille Catron, 323 Beale, Memphis, Tennessee, 38103

Joe Kent, 5111 Flamingo, Memphis, Tennessee, 38117

Fergus Nolan, 758 N. McLean, Memphis, Tennessee, 38107

Lee Cochran, 179 Richbriar, Memphis, Tennessee, 38120

Walter Broady III, 4256 Ledbetter Cove, Memphis, Tennessee, 38109

ADJOURNED MEETING AT 4:25 P.M.

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Upon statement of the Chairman, without objection, the meeting was adjourned, subject to the call of the Chairman.



CHAIRMAN

Attest:

Valerie C. Squires
Deputy Comptroller/Council Records